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Jury Chosen in B26 Case

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BUFFALO, N.Y. — The defense

has lost no time here in beginning its effort to show that an alleged attempt to smuggle seven B-26 bombers out of this country for use by the Portuguese in Africa was all part of a Central Intelligence Agency plot.

Before a jury of ten men and two women had even been selected yesterday to hear the case against three alleged co-conspirators in the plot, a defense lawyer was permitted—over objections from the government—to ask prospective jurors what they knew about the politics of the Portuguese African possessions of Angola and Mozambique.

Formal Denial

Each of the prospective jurors solemnly shook his or her head as Edwin Marger, a flamboyant Miami beach attorney for John Richard Hawke—who has contended that he flew the planes out of the country in the innocent belief that he was working for the CIA—asked if they would be reluctant, in reaching a verdict, to find that the actual policy of the U.S. government was in direct contradiction to its announced policy.

The United States, which supplies arms to Portugal as a partner in the North Atlantic Treaty Organization for the defense of Europe, has insisted that those arms not be used against rebels in Angola and Mozambique and has formally denied before the United Nations that it had any knowledge of the effort to smuggle attack bombers to the Portuguese.

Testimony in the trial of Hawke and two other defendants is scheduled to begin this afternoon after hearings on a motion by Count Henri de Montmarin, an alleged go-between in the deal, to suppress certain evidence against him.

Hawke and De Montmarin are accused of conspiracy to violate the Munitions Control Act, which carries a possible penalty of \$10,000 and five years in jail, and two counts of actually moving bombers out of this country, with a possible penalty of \$25,000 and two years in jail.

A third defendant, Woodrow Wilson Roderick, a Canadian to whom the planes were allegedly transferred on paper, is charged only under the conspiracy count.

Just before the trial began yesterday, the indictment against another defendant, Keat Griggers, 42, a pilot-mechanic from Jamestown, Calif., was unexpectedly dismissed. He was immediately served with a subpoena to appear as a prosecution witness in the case, but his attorney insisted that no deal had been made to assure his agreement to testify.

Describes Flight

A fifth man named in the original indictment, 45-year-old Gregory Board of Jamaica, left the country shortly before Hawke and De Montmarin were arrested and is not available for trial.

In interviews with the press and in a lengthy tape recorded statement to officials, Hawke, a 29-year-old former Royal Air Force fighter pilot, who now makes his living ferrying planes across the Atlantic, described in detail how he flew the seven bombers from Tucson, Ariz., where they were re-conditioned, to the Portuguese Tancos Air Force Base near Lisbon between May and Mid-August of last year.

Along the way, he has said, he was immensely aided by two passwords — "monarch" and "sparrow" — which he said were given to him by a man he believes was a CIA agent.

The U.S. government, deeply concerned about the effect of the alleged smuggling on its relationship with Africa nations, may go so far as place a CIA official on the stand to deny under oath that the agency had any part in the operation.

As one government official said earlier, there is concern that the defense, with its contention that the whole operation was run by the CIA, will attempt to turn the tables and in effect put the government "quite literally in the position of defendant."